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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JUDITH A. YAGER, D.C.,	:	LS0908134CHI
RESPONDENT.	:	

Division of Enforcement Case # 05 CHI 003

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Judith A. Yager, D.C.
109 Division Street
Cobb, WI 53526

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-89 35

Chiropractic Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Chiropractic Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Judith A. Yager, D.C., (DOB 01/26/1964) is duly licensed as a chiropractor in the State of Wisconsin (license # 12-3435). This license was first granted on March 20, 1997.

2. Respondent's most recent address on file with the Wisconsin Chiropractic Examining Board is 109 Division Street, Cobb, Wisconsin 53526.

Unlicensed Practice

3. Respondent's license to practice chiropractic in the state of Wisconsin lapsed on December 31, 2004. She continued to practice chiropractic.

4. On March 31, 2005, Division of Enforcement staff wrote a letter to Respondent informing her that her license

had lapsed. Respondent states that she immediately cancelled all patients upon receipt of the letter. She renewed her license on April 11, 2005.

Use of a Banned Device

5. Respondent has used a Toftness Radiation Detector, or a device substantially the same as a Toftness Radiation Detector, to treat some patients. The Toftness Radiation Detector, and devices substantially the same as the Toftness Radiation Detector or employing the same basic principles as the Toftness Radiation Detector, have been determined to be ineffective and have been banned by federal courts.

6. Respondent, through her attorney, denied ever using a Toftness Radiation Detector. However her website, in 2005, advertised the use of a Toftness device, and she produced a device that she had in her possession that was substantially similar to a Toftness device.

Practice Outside the Scope of Chiropractic

7. Respondent uses or has used techniques outside the scope of chiropractic, including:

(a) Diagnosing based on patient handwriting samples with the assistance of a chiropractor not licensed in Wisconsin;

(b) Diagnosing based on dreams with the assistance of a chiropractor not licensed in Wisconsin;

(c) Diagnosing diseases or conditions and prescribing supplements for those diseases or conditions based on testing of herself or another unrelated person, with or without the patient present.

Aiding and abetting unlicensed practice

8. Respondent has brought a chiropractor, who was not licensed in Wisconsin, to her clinic and allowed him to adjust her patients in her office.

Failure to cooperate with the Board

9. Respondent was interviewed, under oath, in connection with this case. During that interview Respondent provided false information to the Board.

Sexual Contact With A Patient

10. In or about the Summer of 2000, Respondent engaged in an ongoing romantic and sexual relationship with a patient.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 446.03, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph 4 above constitutes a violation of Wisconsin Administrative Code § Chir 3.02 and Chir 6.02(4) and (25) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

3. The conduct described in paragraph 5 above constitutes a violation of Chir 4.05(2) and Chir 6.02(14) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

4. The conduct described in paragraph 6 above constitutes a violation of Chir 6.02(20) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

5. The conduct described in paragraph 7 above constitute a violation of Wis. Admin. Code § Chir 4.05 and Chir 6.02(4) (25) and (31), and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

6. The conduct described in paragraph 8 above constitutes a violation of Wis. Admin. Code § Chir 6.02(16) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

7. The conduct described in paragraph 9 above constitutes a violation of Wis. Admin. Code § Chir 6.02(19) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

7. The conduct described in paragraph 10 above constitutes a violation of Chir. 6.02(1) and (7) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

IT IS ORDERED:

1. The stipulation of the parties is approved.
2. The license of Judith A. Yager, D.C. (license # 12-3435) to practice chiropractic in the State of Wisconsin is **SUSPENDED** for one year, commencing September 1, 2009.
3. The suspension of the license of Judith A. Yager, imposed by paragraph 2 above, shall be stayed after six months upon petition showing compliance with the first six months of the suspension. The suspension shall then remain stayed, provide Dr. Yager complies with all of the following requirements:
 - (a) Within thirty (30) days of the date of this Order, Respondent must have undergone an assessment by mental health care practitioner experienced in evaluating health care practitioners who have become involved sexually with patients.
 1. The practitioner performing the assessment must not have treated Respondent.
 2. The practitioner performing the assessment shall have been approved by the Board or its designee, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.
 3. The Division shall provide the practitioner performing the assessment and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the assessment. Respondent may provide the practitioner performing the assessment with any information Respondent believes will be of assistance in performing the assessment and shall immediately provide copies of that information to the Division.
 4. Respondent shall authorize the practitioner performing the assessment to provide the Board, or its designee, and the Division with an assessment report and all materials used in performing the assessment, and shall provide the Board, or its designee, and the Division with the opportunity to discuss the assessment and findings with the practitioner performing the assessment.
 5. Respondent shall have paid all expenses related to the assessment.
 6. Respondent shall take all reasonable steps to ensure that the assessor, within fourteen (14) days of the completion of the assessment, provides a written report to the board.
 - (b) The Board may limit Respondent's license in any manner it sees fit to address the facts of this case and

recommendations resulting from the assessment, including, but not limited to: (1) psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with periodic reports to the Board or its designee by the therapist; (2) additional professional education in any identified areas of deficiency; (3) restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board or its designee, with periodic reports to the Board or its designee by the supervisor. In the event any limitation is imposed, Respondent must abide by such limitation in order to qualify for a continuing stay of the suspension of her license.

(c) In the event that the practitioner performing the assessment is of the opinion that Respondent cannot safely practice chiropractic, the board may end the stay and suspend Respondent's license until such time as Respondent proves to be capable of safely practicing chiropractic.

(d) Within one hundred eighty (180) days of the date of this Order, Respondent will have taken and completed six (6) hours of continuing education in patient boundaries, six (6) hours of continuing education in the scope of chiropractic practice, and six (6) hours of continuing education in law and ethics for chiropractors. Each course attended in satisfaction of this Order must be pre-approved by the Chiropractic Examining Board or its designee. Respondent will be responsible for locating courses satisfactory to the Chiropractic Examining Board and for obtaining the required approval of the course from the Chiropractic Examining Board or its designee. Respondent will within 30 days of completion of this educational requirement file an affidavit with the Chiropractic Examining Board stating under oath that she has attended in its entirety all of the courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations. In the event that Respondent provides proof that she has made reasonable efforts to locate appropriate continuing education courses but is unable to complete this educational requirement within 180 days, the Board will grant Respondent a reasonable extension of time to complete this educational requirement.

4. All petitions, affidavits, reports and other supporting documents must be filed with:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708-8935

All petitions, affidavits, reports or other documents required to be filed with the Chiropractic Examining Board will be deemed filed upon receipt by the Department Monitor.

5. During any period that Respondent's license is suspended and not stayed, the provisions of Wis. Admin. Code CHIR 4.07 shall apply and Respondent shall not do any of the following:

- (a) Perform any of the functions in Wis. Admin. Code § CHIR 4.03.
- (b) Have any professional contact with patients
- (c) Be present in any chiropractic office, other than to receive care.

6. If Respondent believes that the Board's or its designee's refusal to end the suspension or deny or revoke a stay is inappropriate, or that any limitation imposed or maintained by the Board or its designee under paragraph 3d is inappropriate, Respondent may seek a class 1 hearing pursuant to §227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's or designee's decision is arbitrary or capricious. The suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

7. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of Three Thousand Five Hundred Dollars (\$3,500.00) pursuant to § 440.22(2), Stats.

8. In the event Respondent fails to pay costs as ordered, fails to complete the ordered continuing education in the time frame provided, or fails to comply with any limitation imposed by the Board, any stay shall be immediately revoked by the board or its designee, and the Respondent's license (#12-3435) SHALL BE OR REMAIN SUSPENDED by the board or its designee, with

further notice or hearing, until Respondent has complied with the terms of this Order.

9. This Order shall become effective upon the date of its signing.

Chiropractic Examining Board

By: Wendy M. Henrichs
A Member of the Board

8/13/09
Date